

Virginia Title V Operating Permit

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-305 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name: City of Manassas/
Virginia Municipal Electric Association

Facility Name: City of Manassas/VMEA Plant
Facility Location: 9898 Godwin Drive
Manassas, Virginia 20110

Registration Number: 71977
Permit Number: NVRO71977

September 28, 2001
Effective Date

September 28, 2006
Expiration Date

Dennis H. Treacy
Director, Department of Environmental Quality

Signature Date

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Permit Conditions, 20 pages

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I. Facility Information

Permittee

City of Manassas/Virginia Municipal Electric Association (VMEA)
8500 Public Works Drive
P.O. Box 560
Manassas, Virginia 20110

Responsible Official

Mr. Allen P. Todd, P.E.
Director of Utilities

Facility

City of Manassas/VMEA Plant (Godwin Plant)
9898 Godwin Drive (Route 662, 0.5 miles southwest of Route 28)
Manassas, Virginia 20110

Contact Person

Mr. Allen P. Todd, P.E.
Director of Utilities
(703) 257-8474

AIRS Identification Number: 51-153-00090

Facility Description: SIC Code 4911 – Electric Services – Establishments engaged in the generation, transmission and/or distribution of electric energy for sale.

The City of Manassas/Virginia Municipal Electric Association (VMEA) operates a peaking electric power generation plant at 9898 Godwin Drive in Manassas, Virginia. There are 16 Caterpillar 3516 diesel-driven electric generators at the site, each rated at 2307 brake horsepower (bhp) or 1600 kilowatts (KW) electricity output. The City of Manassas is a member of the VMEA and operates 12 of the engines under the association contract with Virginia Power. The other four engines belong to the City of Manassas and are operated for their own peaking power needs. The facility is currently subject to a plant-wide NSR air permit dated September 19, 1995 (with a minor amendment dated October 20, 1995). The permit limits the facility to generate no more than 6,944,000 electric kilowatt-hours per year, which is about 280 hours of operation per engine. The permit requires that each engine be set for 3 degrees fuel injection timing retard to reduce nitrogen oxides (as NO₂) emissions. Other emissions, such as carbon monoxide, volatile organic compounds and particulate matter are slightly increased as a result of the NO₂ reduction measure. However, the NO₂ reduction is considered more significant in the serious ozone non-attainment area.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
Fuel Burning Equipment							
Process A (Diesel Generators)							
V1-V12	S1-S12	Caterpillar 3516 DITA diesel	1600 KW/2307 bhp	Ignition Timing retard	-	NO ₂	09/19/95
C7-C10	S13-S16	Caterpillar 3516 DITA diesel	1600 KW/2307 bhp	Ignition Timing retard	-	NO ₂	09/19/95
Process B (Storage Tanks)							
FO1-FO4	-	Fuel Oil Storage Tanks	15,000 gal., each	-	-	-	-

*The Size/Rated capacity [and PCD efficiency] is provided for informational purposes only, and is not an applicable requirement.

III. Process Equipment Requirements – (Emission Unit #V1-V12, #C7-C10)

A. Limitations

1. Nitrogen oxide emissions (as NO₂) from the engines shall be controlled by fuel injection set at 3 degrees retarded timing. The engines shall be provided with adequate access for inspection.
(9 VAC 5-80-110 and Condition 3 of 9/19/95 Permit)
2. The approved fuel for the engines is diesel (No. 2) fuel oil. A change in the fuel may require a permit to modify and operate.
(9 VAC 5-80-110 and Condition 4 of 9/19/95 Permit)
3. The sulfur content of the oil to be burned in the engines shall not exceed 0.5 percent by weight per shipment. The permittee shall maintain records (supplier fuel analysis) of all oil shipments purchased. These records shall be available for inspection by the DEQ, and shall be current for the most recent five years.
(9 VAC 5-80-110 and Condition 7 of 9/19/95 Permit)
4. The facility shall generate no more than 6,944,000 electric kilowatt-hours of electricity per year, calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-110 and Condition 6 of 9/19/95 Permit)
5. Emissions from the operation of the engines shall not exceed the limits specified below:

	Each Engine <u>lbs/hour</u>	Total For All 16 Engines		
		<u>lbs/hour</u>	<u>tons/year*</u>	
Total Suspended Particulate/PM-10	1.2	19.7	2.8	(9 VAC 5-50-260)
Sulfur Dioxide	9.3	149.3	20.9	(9 VAC 5-50-260)
Nitrogen Oxides (as NO ₂)	53.0	848.0	118.7	(9 VAC 5-50-260)
Carbon Monoxide	12.2	195.4	27.4	(9 VAC 5-50-260)
Volatile Organic Compounds (VOC)	1.6	26.1	3.7	(9 VAC 5-50-260)

* The annual emission limits are to be calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-110 and Condition 8 of 9/19/95 Permit)

6. Visible emissions from each engine shall not exceed twenty percent (20%) opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30% opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown and malfunction.
(9 VAC 5-80-110 and Condition 9 of 9/19/95 Permit)
7. Diesel engines emissions shall also be controlled by proper operation and maintenance. Diesel engine operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum.
(9 VAC 5-80-110)
8. In order to minimize the duration and frequency of excess emissions due to malfunction of process equipment or air pollution control equipment, the permittee shall develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance. These records shall be maintained on site for a period of five (5) years and shall be made available to DEQ personnel upon request.
(9 VAC 5-80-110 and Condition 16 of 9/19/95 Permit)

B. Monitoring and Recordkeeping

1. Documentation shall be kept for each maintenance and repair procedure conducted on the diesel engines, in accordance with manufacturer recommendations. This documentation shall include at a minimum:
 - a. The date of the evaluation and adjustment.
 - b. Description and purpose of repair or adjustment.
 - c. Identity of service entity and technicians involved.
 - d. Certification that each engine maintenance action does not affect the fuel injection setting.

These records shall be kept on site and made available for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-80-110)

2. Visible emission observations shall be used by the permittee to assist in determining whether the engine(s) are operating properly. Each engine shall be briefly observed for normal visible emissions during each calendar week it operates. The results of the observations shall be recorded and records retained on site for review. Whenever any engine appears to be exceeding the normal visible emissions, the permittee shall check the engine operating parameters, and proceed as following:

- a. If engine parameters are not within normal range, then
 - 1) Corrective action shall be taken to return the engine to proper operation.
 - 2) The visible emission observation shall be repeated to confirm proper operation.
- b. If engine parameters are within the proper range or corrective action did not adequately reduce visible emissions, then a visible emission evaluation shall be conducted as stated in Condition III.C.3.

(9 VAC 5-80-110)

- 3. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be as arranged with the Department (Air Compliance Manager, Northern Virginia Regional Office). These records shall include, but are not limited to:
 - a. The annual generation of electricity in kilowatt-hours (KW-hr), calculated monthly for each engine and the facility, as the sum of each consecutive 12-month period.
 - b. DEQ-approved emission factors and equations used to calculate emissions from the engines.

These records shall be available for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-50-50, 9 VAC 5-80-110 and Condition 12 of 9/19/95 Permit)

- 4. The permittee shall maintain records of any required operator training including a statement of time, place and nature of training. These records shall be kept on site and made available for inspection by the DEQ.
(9 VAC 5-170-160 and 9 VAC 5-80-110)

C. Testing

- 1. The permitted facility shall be constructed so as to allow for emissions testing upon reasonable notice at any time, using appropriate methods. Test ports shall be provided at the appropriate locations.
(9 VAC 5-50-30, 9 VAC 5-80-110 and Condition 5 of 9/19/95 Permit)

2. If testing is conducted for air compliance purposes, in addition to the monitoring specified in this permit, the permittee shall use the appropriate EPA reference test methods (given in 40 CFR, Appendix A) in accordance with procedures approved by the DEQ. A sample listing is given below.

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC	EPA Methods 18, 25, 25a
NO _x	EPA Method 7, 7E
SO ₂	EPA Method 6, 6C
CO	EPA Method 10
PM/PM-10	EPA Method 5, 17, 201a
Visible Emission	EPA Method 9

(9 VAC 5-80-110)

3. A Visible Emission Evaluation shall be used by the permittee to demonstrate compliance with the permit opacity limits. The permittee shall conduct a visible emission evaluation for each engine at least once a year, during the month of September, and when circumstances trigger the provision in Section III.B.2.b. The evaluation shall consist of at least one 30-minute observation of each engine exhaust stack by certified personnel in accordance with EPA Reference Method 9 (40 CFR, Appendix A). If any 6-minute period exceeds 20% opacity, then the observation shall be extended to a full 60 minutes. If any two 6-minute periods exceed 20% opacity, or if any one 6-minute period exceeds 30% opacity the exceedance shall be recorded. The permittee shall report the exceedance(s) as required in Condition III.D.1. In addition, the permittee shall take the following steps to correct the emissions exceedance(s):
- Remove the engine from service and make the necessary repairs and adjustments to bring engine operation into compliance with the permit.
 - Document the maintenance and repairs as stated in Condition III.B.1.
 - Repeat the visible emissions evaluation to demonstrate compliance with the opacity limit before the engine can be returned to service.
 - In the event that engine still cannot meet the opacity standard in the permit, appropriate action will be agreed upon and implemented by the City of Manassas/VMEA and DEQ before the engine can be returned to service.

The results of the visible emissions evaluations for each engine shall be available on site for inspection by the DEQ and be current for the most recent five years.
(9 VAC 5-80-110)

D. Reporting

1. Reporting of emission excursions above an applicable emission standard shall be conducted in accordance with the permit deviation reporting procedures in Conditions VII.E.
(9 VAC 5-80-110)

IV. Process Equipment Requirements (Emission Unit #FO1-FO4)

A. Limitations

The permittee is authorized to store No. 2 oil, diesel or kerosene fuel oil (with vapor pressure below 2.16 psia) in the four storage tanks (#FO1 - FO4). A change in the materials stored may require a permit to modify and operate.
(9 VAC 5-80-110, 9 VAC 5-50-410 and 40 CFR Part 60 Subpart Kb)

B. Recordkeeping

The permittee shall keep readily accessible records showing the dimensions of the storage vessels (Unit #FO1 - FO4) and an analysis showing the capacity of the storage vessel. These records shall be kept for the life of the storage vessel.
(9 VAC 5-80-110 , 9 VAC 5-50-410 and 40 CFR Part 60 Subpart Kb)

V. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
DT1-DT8	Day Tanks	9 VAC 5-80-720B	VOC	1,000 gallons, each

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

VI. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this

permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit.

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

VII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless a timely and complete renewal application consistent, with 9 VAC 5-80-80, has been submitted, to the Department, by the owner, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.

4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)
3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year.

This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
- b. All deviations from permit requirements. For purposes of this permit, a deviation means any condition determined by observation, data from any monitoring protocol or any other monitoring which is required by the permit that can be used to determine compliance. Deviations include exceedances documented by continuous emission monitoring or excursions from control performance indicators documented through periodic or compliance assurance monitoring.

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. A description of the means for assessing or monitoring the compliance of the source with its emissions limitations, standards, and work practices.
3. The identification of each term or condition of the permit that is the basis of the certification.
4. The status of compliance with the terms and conditions of this permit for the certification period.
5. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.

6. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
7. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall report to the Department (Air Compliance Manager, Northern Virginia Regional Office) by the next business day any deviations from permit requirements or any excess emissions, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or preventive measures taken.

(9 VAC 5-80-110 F.2)

F. Failure/Malfunction Reporting

If, for any reason, the affected facilities or related air pollution control equipment fails or malfunctions and may cause excess emissions for more than one hour, the owner shall notify the Department (Air Compliance Manager, Northern Virginia Regional Office), within four (4) daytime business hours of the occurrence. In addition, the owner shall provide a written statement, within 14 days, explaining the problem, corrective action taken, and the estimated duration of the breakdown/shutdown. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the board.

(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

J. Permit Action for Cause

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(9 VAC 5-80-110 G.4)

2. Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:

- a. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is potential of, a resulting emissions increase;
- b. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;
- c. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, or by 9 VAC 5-80-11, unless such an increase is authorized by an emissions cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;

- d. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;
- e. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;
- f. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);
- g. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a(1) and 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.

(9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240, and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

- 1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
- 2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-305 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355.
(9 VAC 5-80-110 H)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1. (9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph 2 are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:

- a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of malfunction, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit.
 - d. The permittee notified the board of the malfunction within two working days following the time when the emissions limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, telegraph, or any other method that allows the permittee to comply with the deadline. The notice fulfills the requirement of 9 VAC 5-80-110 F.2. b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirements under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any

requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)

Y. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

Z. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

AA. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)